



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,235	08/13/2001	Stephen F. Gass	SDT 314	8810
27630	7590	06/22/2006	EXAMINER	
SD3, LLC 25977 S.W. Canyon Creek Road, Suite G WILSONVILLE, OR 97070			ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/929,235

Applicant(s)

GASS ET AL.

Examiner

Ghassem Alie

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05/15/06.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05/15/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 103***

1       The following is a quotation of 35 U.S.C. 103(a) which forms the basis for  
all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2       Claims 15 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
Lokey (3,785,230) in view of Meckoski et al. (2,501,134) or Comer (3,368,596). Regarding  
claims 15 and 34, Lokey teaches a table saw 111 including a frame 112 having a table  
defining a work surface. Lokey also teaches a rotatable blade 113 coupled to the frame and  
extendable up through the work surface. Lokey also teaches a detection means for detecting  
a dangerous condition between a person and the blade 113. Lokey also teaches a brake means  
125 for engaging and stopping the blade upon detection of the dangerous condition between  
the person and the blade 113. Lokey also teaches a brake positioning means 126 for moving  
the brake means. Lokey also teaches that the brake means is maintained in operative position  
relative to the blade. See Fig. 8 and col. 2, lines 32-63 in Lokey. Lokey does not teach an  
adjustment means for adjusting the position of the blade up and down and the brake  
positioning that moves up and down with the blade. However, the use of an adjustment  
mechanism to position the frame and the blade up and down relative to the table of a saw  
machine is well known in the art such as taught by Meckoski and Comer.

Meckoski teaches a main frame 11, 12 including a table 15 defining a work surface  
and a sub-frame or carriage C. Meckoski also teaches that the sub-frame, similar to the frame  
in Lokey, includes a saw and a driving mechanism. Meckoski teaches an adjustment

Art Unit: 3724

mechanism that adjusts the position of the sub-frame C including the saw blade up and down relative to the table 15. See Fig. 4 and col. 3, lines 12-43 in Meckoski. Comer also teaches a main frame 11 including a table 13 defining a work surface and a sub-frame or carriage 14. Comer also teaches that the sub-frame, similar to the frame in Lokey, includes a saw and a driving mechanism. Comer also teaches an adjustment mechanism 37 that adjust the position of the sub-frame 14 including the saw blade up and down relative to the table 13. See Fig. 3 and col. 2, lines 30-72 in Comer. It should be noted that the Lokey's brake positioning member is moved up and down with the sub-frame and the blade relative to the table. It would have been obvious to a person of ordinary skill in the art to provide Lokey's saw machine with the arrangement of the sub-frame, main frame, and lifting mechanism, as taught by Meckoski or Comer, in order to adjust the position of the blade relative to the table and consequently adjust the cutting depth in the workpiece.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 15 and 34 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

GA/ga

June 15, 2006



KENNETH E. PETERSON  
PRIMARY EXAMINER